

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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DENISE DIFABIO,

Plaintiff,

v.

Case No. 19-11375

MENARD, INC.,

Defendant.

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**ORDER SETTING DISCOVERY CUT-OFF AND SETTING TELEPHONIC  
CONFERENCE**

Plaintiff Denise Difabio brings this action under premises liability, negligence, gross negligence, and *res ipsa loquitor*. (ECF No. 1-3, PageID.23-29.) The court's original scheduling order, issued on June 10, 2019, set the discovery cut-off for February 18, 2020. (ECF No. 7.) On December 13, 2019, the parties stipulated to extend the deadline to April 1, 2020. (ECF No. 17.)

The court held a telephonic conference on May 26, 2020. At that time, the parties indicated that discovery had not been completed, and due to the outbreak of the Coronavirus Disease ("COVID-19"), discovery was extended to August 11, 2020. The court held another telephonic conference on August 11, 2020, where the parties stated they had mutually agreed to delay discovery in order to conserve resources prior to an August 27 facilitation. At a telephonic conference on August 31, 2020, the parties agreed to a four weeks' delay to engage in settlement negotiations.

On September 28, 2020, the court held a telephonic status conference. The parties reported they were unable to reach a settlement. In addition, they disputed

whether discovery had been completed. Given that the parties delayed discovery beginning on August 11 in order to pursue facilitation and settlement discussions, the court will now set October 30, 2020 as a discovery cut-off. The court will set a telephonic conference for November 2, 2020, at which time the court will discuss further scheduling and deadlines. Accordingly,

IT IS ORDERED that a discovery cut-off is set for **October 30, 2020**.

IT IS FURTHER ORDERED that a telephonic conference is set for **November 2, 2020 at 10:00 am**.

s/Robert H. Cleland /  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: September 30, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 30, 2020, by electronic and/or ordinary mail.

s/Lisa Wagner /  
Case Manager and Deputy Clerk  
(810) 292-6522

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